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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/964,180	11/04/1997	MASAKI HIGURASHI	970668/LH	1966

1933 7590 01/09/2002

FRISHAUF, HOLTZ, GOODMAN &
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NEW YORK, NY 10017-2023

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.
08/964,180

Applicant(s)
Higurashi et al.

Examiner
Luong Nguyen

Art Unit
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Nov 30, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) ^{is} ~~will be~~ entered, ~~upon the timely submission of a notice of appeal and proper fee.~~
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

4. ☐ Applicant's reply has overcome the following rejection(s): _____
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☒ The a) ☐ ~~affidavit~~, b) ☐ ~~exhibit~~, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1, 4, 6, 8, 11, 13, 15, 16, 18, 21, 23, 24, and 26
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
11. ☒ Other: Claims 2, 3, 5, 7, 9, 10, 12, 14, 17, 19, 20, 22, 25, 27, 28 are withdrawn from consideration.

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 11/30/2001 have been fully considered but they are not persuasive.

As for claims 1 and 13, the applicants stated that the prior amendment of claims 1 and 13 included an inadvertent typographical error in that the word "optical" should have been --optimal-- as recited in claims 1, 13 and 21. After reviewing carefully these claims and specification supported these claims, the examiner agrees that the rejection of claims 1, 4, 6, 8, 11 and 13, 15, 16, 18, 21, 23, 24, 26 under first paragraph of 35 U.S.C. 112 are withdrawn.

As for claims 1, 4, 6, 8, 11, claim 1 has been amended to obviate the objection. Therefore, the objections of the claims 1, 4, 6, 8, 11 are withdrawn.

In re pages 7-11, the applicants argue that Komiya et al. do not disclose, teach or suggest correction parameter setting means for setting a correction parameter necessary to correct at least distortion of said plurality of image parts generated in each overlap area or a difference between the image parts wherein said correction parameter setting means is allowed to be operated by a user to set the correction parameter; and/or optimal parameter setting means for determining, as an optimal value, the correction parameters set by said correction parameter setting means, when it is judged by the user from display by the display means that correction is sufficiently performed by said image correction means.

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In response, regarding claim 1, the applicants amended claim 1 with the claim limitation “correction parameter setting means for setting a correction parameter necessary to correct at least distortion of said plurality of image parts generated in each overlap area or a difference between the image parts, said correction parameter setting means being allowed to be manually operated by a user to set the correction parameter; optimal parameter setting means for determining, as an optimal value, the correction parameter set by said correction parameter setting means, when it is judged by the user from display by said image display means that correction is sufficiently performed by said image correcting means.” The examiner considers that claim 1 as amended still be rejected under 35 U.S.C. 103(a) as being unpatentable over Komiya et al. patent. Komiya et al. fail to specifically disclose said correction parameter setting means being allowed to be manually operated by a user to set the correction parameter; and optimal parameter setting means for determining, as an optimal value, the correction parameter set by said correction parameter setting means, when it is judged by the user from display by said display means that correction is sufficiently performed by said image correction means. However, Komiya et al. disclose correction parameter setting means as aberration calculating section 40 (figure 2, column 6, lines 14-58). Komiya et al. also disclose figures 26A, 26B are views for explaining distortion aberration correction. It also means that based on the photographic conditions of image a, b, c as disclosed in figure 24, column 7, lines 10-62), the correction parameter can be judged by the user. It would have been obvious that the aberration calculating section 40 could be manually operated by the user to let the user could change correction parameter. In addition, Komiya et al. disclose

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that the aberration calculating section 40 calculates the aberration amount ΔS in accordance with the correction coefficients a_1 , a_2 read out from distortion aberration correcting table 7 (column 6, lines 14-58). This shows that the aberration amount ΔS is automatically calculated. Further, it is well known in the art that in a device such as a camera, the focusing lens can be operated in automatic focus mode or manual focus mode. This let the user choose to manually control a process which is usually done automatically, providing much greater control. It would have been obvious to include such a "manual override" in other analogous process as well.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
1/3/2002


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600